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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/662,699	09/15/2000	Makoto Yamada	450100-02715	3748

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NEW YORK, NY 10151

EXAMINER

ROBINSON, GRETA LEE

ART UNIT	PAPER NUMBER
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2177

DATE MAILED: 09/11/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/662,699

Applicant(s)

YAMADA ET AL.

Examiner

Greta L. Robinson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. Claims 1-20 are pending in the present application.

Claim Objections

2. The claims are objected to because the lines between each individual claim are crowded too closely together, making reading and entry of amendments difficult. Substitute claims with lines one and one-half or double spaced on good quality paper are required. See 37 CFR 1.52(b).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 20, the following limitation is vague and unclear: "A disc shaped record medium for recording a plurality of files and an index file, the index file correlating outlines information of the plurality of files and the plurality of files, the index file being recorded at a predetermined position of the disc shaped record medium" [note: claim 20]. It is difficult to determine distinct boundaries between precise claim limitations in the

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claim. There is not a distinction between the preamble of the claim and the body of the claim. As presently written the claim can be described as a run-on claim with no clear separation of claim elements and/or limitations. Note *Festo Corp. v. shoketsu Kogyo Kabushiki Co.*, 234F.3d. 558, 56 USPQ2d 1865 (fed.Cir.2000).

Regarding independent claims 1, 19, and 20, the limitation "outlined information" is vague and unclear [see claim 1, 19 and 20]. The examiner notes data information 47 described on page 19 lines 1-5; but the meaning of the term outlined information does not appear to be defined or depicted in the drawings. Claims 2-18 are rejected based on dependency.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Otsuka et al. US Patent 6,065,010 in view of Saraceno *Video Content extraction and representation Using a Joint Audio and Video Processing*.

Regarding claim 1, Otsuka et al. teaches a digital recording apparatus using a disc shaped record medium [figure 8], comprising:

means for extracting outlined information of each of a plurality of files recorded on the disc shaped record medium [see: column 5 lines 12-44];

means for correlating the extracted outlined information and the plurality of files and generating an index file [note: "generating a respective index file" column 3 lines 17-46]; and

means for recording the index file to a predetermined position of the disc shaped record medium [see: column 5 line 64 through column 6 line 42],

wherein when a predetermined operation mode is performed, a plurality of types of data of the plurality of files are output in a predetermined format [note: abstract; column 8 lines 11-24; column 12 lines 21-64].

Although Otsuka teaches the invention as cited above, they do not explicitly teach *extracting* outlined information. **Saraceno** teaches this *automatically extracting* video content for efficient storage and retrieval of data and to recognize higher levels of

meaningful structures, such as specific scenes and correlation of information [note: abstract, pages 3033, 3034 and 3036; figure 1]. It would have been obvious to one of ordinary skill at the time of the invention to have combined the cited references because automatic extraction of data provides for efficient retrieval, storage and correlation of the data.

7. Regarding claim 2:

“wherein the index file is recorded” [note: Otsuka et al., figure 9B element 436].

8. Regarding claim 3:

“wherein the predetermined operation mode is started” [note: Otsuka et al., figures 3-7].

9. Regarding claim 4:

“reproducing mode ... editing mode” [see: note: Otsuka et al., column 10 lines 3-44; also col. 1 line 15 through col. 2 line 7].

10. Regarding claims 5-11:

“wherein the outlined information contains attribute data ... title” [see: Saraceno page 3036].

11. Regarding claims 12-18:

"wherein the index file contains a first area" [note: note: Otsuka et al., column 9 lines 22-49; also note citations paragraph five supra].

12. The limitations of method claim 19 parallels apparatus claim 1; therefore it is rejected under the same rationale.

13. The limitations of claim 20 have been addressed above in claim 1; therefore it is rejected under the same rationale.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fujita et al. US Patent 6,374,258 B1

Morita et al. US Patent 6,584,463

Ambroziak US Patent 6,460,047 B1

Goldberg et al. US Patent 5,655,117

Schwartz et al. US Patent 5,905,988

Harris et al. US Patent 5,652,879

Bruffey et al. US Patent 4,945,475

Chang et al. *Integrated Image and Speech Analysis for Content-Based Video*

Indexing.

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15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greta L. Robinson whose telephone number is (703) 308-7565. The examiner can normally be reached on Mon.-Fri. 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on (703) 305-9790. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.



GRETA ROBINSON
PRIMARY EXAMINER

Greta Robinson
Primary Examiner
September 5, 2003